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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,687	06/08/2001	Matthew J. Holliman	42390.P11076	9438

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EXAMINER

LEE, PHILIP C

ART UNIT PAPER NUMBER

2152

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/877,687	HOLLIMAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Philip C. Lee	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 80-109 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 80-109 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. This action is responsive to the amendment and remarks filed on August 08, 2006.
2. Claims 80-109 are presented for examination and claims 1-79 are canceled.
3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/30/06 has been entered.
4. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

*Claim Rejections - 35 USC 112*

3. Claims 83 and 92-100 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - a. Claim language in the following claims is not clearly understood:
    - i. As per claim 83, lines 3-4, it is unclear what/how is “more power efficient” [i.e., these terms are indefinite].

- ii. As per claim 92, line 6, it is unclear what is meant by “convert the data before to the specified format” [i.e., does it mean converting the data to the specified format before transmitting to the second peer node?] .
- iii. As per claim 95, lines 2-3, it has the same problem as claim 83 above.

*Claim Rejections - 35 USC 103*

- 5. Claims 80, 84, 86, 88, 91-92, 96, 100-102 and 107 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al, U.S. Patent Application Publication 2002/0073204 (hereinafter Dutta) and Schneider, U.S. Patent 6,687,753 (hereinafter Schneider) in view of Carolan et al, U.S. Patent 6,965,569 (hereinafter Carolan)
- 6. Dutta and Schneider were cited in the last office action.
- 7. As per claims 80, 92 and 101, Dutta teaches the invention substantially as claimed comprising:
  - a first peer node receiving an inquiry for data from a second peer node ([0037]); and
  - transmitting the data to the second peer node ([0044]-[0045]).
- 8. Dutta does not teach specifying a format for the data. Schneider teaches the invention comprising:
  - an inquiry specifying a format for the data (col. 5, lines 25-27);

converting the data into the specified format before transmitting the data to the node(col.

4, lines 57-61);

transmitting the data to the node in a transport specification specified by the node (col. 3, lines 14-16, 41-53; col. 5, lines 15-37).

9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta and Schneider because Schneider's system of converting the data and transmitting in a transport specification specified would increase the efficiency of Dutta's system by allowing the optimal transmission method to be chosen based on the network bandwidth and user preference (col. 3, lines 10-16).

10. Dutta and Schneider do not teach generating a cost value. Carolan teaches generating a cost value based in part on conversion of the data to the specified format (col. 6, lines 1-5; col. 3, lines 4-6; col. 11, lines 1-2).

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider and Carolan because Carolan's teaching of generating cost value would increase the efficiency of Dutta's and Schneider's systems by allowing a conversion cost to be associated with each possible conversion and selecting the conversion in the least cost (col. 3, lines 4-6, 20-24).

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12. As per claims 84, 96 and 107, Dutta, Schneider and Carolan teach the invention substantially as claimed in claims 80, 92 and 101 above. Schneider further teaches the data is converted based on a status of a network connection between the first node and the second node (col. 4, lines 1-20; col. 5, lines 48-62; col. 6, lines 20-29).

13. As per claim 86, Dutta, Schneider and Carolan teach the invention substantially as claimed in claim 80 above. Dutta and Schneider further teach the first peer node obtaining the data from a third peer prior to transmitting the data to the first node (see Dutta, [0037]; see Schneider, col. 3, lines 19-21);

14. As per claim 88, Dutta, Schneider and Carolan teach the invention substantially as claimed in claim 80 above. Dutta, Schneider and Carolan do not explicitly teach each of the different formats for conversion, however, It would have been obvious to one of ordinary skill in the art at the time the invention was made to include any format such as PowerPoint format, GIF format, etc. for conversion because by doing so it would allow a user to convert between any desired format, hence increasing the field of use in their systems.

15. As per claim 91, Dutta, Schneider and Carolan teach the invention substantially as claimed in claim 80 above. Schneider further teach the data includes multimedia data (col. 2, lines 33-36).

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16. As per claim 100, Dutta, Schneider and Carolan teach the invention substantially as claimed in claim 92 above. Dutta further teach an article includes one or more selected from a memory device, an optical disk, and a magnetic disk ([0077]).

17. As per claim 102, Dutta, Schneider and Carolan teach the invention substantially as claimed in claim 101 above. Dutta and Schneider further teach the peer node is a wireless device (see Dutta, [0026]), and wherein the system further comprises an application support handler to adjust delivery of the data to a status of the peer node (see Schneider, col. 3, lines 10-17; col. 4, lines 14-20; col. 6, lines 26-29).

18. Claims 81-82, 93-94, 105 and 106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, and Carolan in view of Ochiai, U.S. Patent 5,067,127 (hereinafter Ochiai).

19. As per claims 81, 93 and 105, Dutta, Schneider and Carolan teach the invention substantially as claimed in claims 80, 92 and 101 above. Although, Carolan teaches cost to deliver the data to the node (col. 13, lines 58-61), however, Dutta, Schneider and Carolan do not teach cost value based in part on a network route. Ochiai teaches generating a cost value that is based in part on a network route to deliver the data to the node (col. 1, line 65-col. 2, line 6; col. 5, lines 50-64; col. 11, lines 40-43).

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20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Carolan and Ochiai because Ochiai's teaching of generating cost value based in part on a network route would allow Dutta's, Schneider's and Carolan's systems to select a least cost route, hence minimize the communication cost.

21. As per claims 82, 94 and 106, Dutta, Schneider and Carolan teach the invention substantially as claimed in claims 80, 92 and 101 above. Dutta, Schneider and Carolan do not teach sending the cost value. Ochiai teaches sending a packet comprising the cost value to the node (col. 6, lines 46-56).

22. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Carolan and Ochiai because Ochiai's teaching of generating cost value based in part on a network route would allow Dutta's, Schneider's and Carolan's systems to select a least cost route, hence minimize the communication cost.

23. Claims 83 and 95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, and Carolan in view of Agrawal et al, U.S. Patent 6,072,784 (hereinafter Agrawal).

24. As per claims 83 and 95, Dutta, Schneider and Carolan teach the invention substantially as claimed in claims 80 and 92 above. Dutta, Schneider and Carolan do not teach receiving a



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battery status. Agrawal et al teaches receiving a battery status of the node (col. 8, lines 40-42); and transmitting the data to the node using a transport protocol that is more power efficient (col. 7, lines 18-21; col. 9, lines 29-33; col. 11, lines 19-33).

25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Carolan and Agrawal because Agrawal's teaching of receiving a battery status would increase the efficiency of their systems by allowing battery power to be conserved by rescheduling the operations of the mobile terminal (col. 6, lines 44-52).

26. Claim 85 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, and Carolan in view of Zhang et al, U.S. Patent 6,891,854 (hereinafter Zhang).

27. As per claim 85, Dutta, Schneider and Carolan teach the invention substantially as claimed in claim 84 above. Dutta, Schneider and Carolan do not teach the data is converted to a lower bit rate. Zhang teaches the data is converted to a lower bit rate format when the network connection is congested (col. 8, lines 32-34; col. 16, lines 54-61; col. 18, lines 12-18).

28. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Carolan and Zhang because Zhang's teaching of the data is converted to a lower bit rate format would enhance Dutta's, Schneider's,

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and Carolan's transport mechanism by converting a bit stream to match the channel bandwidth, resulting in a reducing bit error rate.

29. Claims 87, 97 and 108 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, and Carolan in view of Sato et al, U.S. Patent 7,088,775 (hereinafter Sato).

30. As per claims 87, 97 and 108, Dutta, Schneider and Carolan teach the invention substantially as claimed in claim 84 above. Dutta, Schneider and Carolan do not teach converting between MPEG2 and MPEG4. Sato teaches converting between MPEG2 and MPEG4 (col. 10, lines 44-46; col. 14, lines 28-37).

31. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Carolan and Sato because Sato's teaching of converting between MPEG2 and MPEG4 would enhance their systems by allowing bit stream to be converted to a smaller bit rate that can be readily processed in mobile terminals and the like.

32. Claims 89, 98 and 109 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, and Carolan in view of VanHeyningen, U.S. Patent Application Publication 2003/0023845 (hereinafter VanHeyningen).

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33. As per claims 89, 98 and 109, Dutta, Schneider and Carolan teach the invention substantially as claimed in claims 80, 92 and 101 above. Dutta, Schneider and Carolan do not teach deciding to transmit in UDP instead of TCP. VanHeyningen teaches deciding to transmit in UDP instead TCP (abstract).

34. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Carolan and VanHeyningen because Vanheyningen's teaching of deciding to transmit in UDP instead of TCP would enhance Dutta's, Schneider's and Carolan's transport mechanism by providing a time-sensitive delivery scheme, making it more suitable for streaming media ([0006]).

35. Claims 90 and 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, and Carolan in view of Goossen et al, U.S. Patent Application Publication 2005/0108436 (hereinafter Goossen).

36. As per claims 90 and 99, Dutta, Schneider and Carolan teach the invention substantially as claimed in claims 80 and 92 above. Dutta, Schneider and Carolan do not teach explicitly teach an inquiry specifying a file type. Goossen teaches receiving an inquiry specifying a file type (page 9, claim 44).

37. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Carolan and Goossen because

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Goossen's teaching of an inquiry specifying a file type would allow users of their systems to access files according to the type desired by the users.

38. Claim 103 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, and Carolan in view of Horn et al, U.S. Patent Application Publication 2001/0022000 (hereinafter Horn).

39. As per claim 103, Dutta, Schneider, and Carolan teach the invention substantially as claimed in claim 101 above. Dutta, Schneider, and Carolan do not teach access to a peer-to-peer service layer. Horn teaches a programmatic access for applications of the system to a peer-to-peer service layer ([0055]-[0056]) (Note that the system must include programmatic access in order for application to use the transmission condition parameters provided by the peer-to-peer service layer.)

40. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Carolan and Horn because Horn's teaching of peer-to-peer service layer would improve quality of transmission in Dutta's, Schneider's and Carolan's systems by allowing peer service layer to provide transmission condition parameters indicative of the condition of the network to control the processing of data ([0015] and [0017]).

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41. Claim 104 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta, Schneider, and Carolan in view of Neogi et al, U.S. Patent 6,650,620 (hereinafter Neogi).

42. As per claim 104, Dutta, Schneider, and Carolan teach the invention substantially as claimed in claim 101 above. Dutta, Schneider, and Carolan do not teach tables mapping user-defined named. Neogi teaches table mapping user-defined names or metadata references to Globally Unique Identifiers identifying data stored within a network of peer-to-peer nodes (col. 2, lines 53-63; col. 3, lines 27-43).

43. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dutta, Schneider, Carolan and Neogi because Neogi's system of mapping user-defined names would increase the efficiency of Dutta's, Schneider's and Carolan's systems by allowing requests to be routed according to the mapping table.

## **CONCLUSION**

44. Applicant's remarks have been considered but are moot in view of the new ground(s) of rejection.

45. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

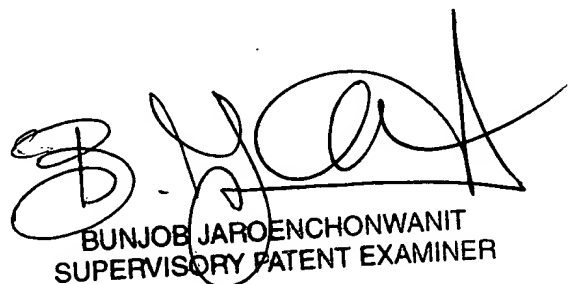
Liebenow, US 6,697,617, discloses a method of receiving battery status;

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Balcerowski et al., US 6,101,545, discloses a method of transmitting data using UDP instead of TCP.

46. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.



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SUPERVISORY PATENT EXAMINER